

### **REMARKS**

The Office Action mailed January 27, 2005 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

#### **I. Summary of Claims**

Claims 1-4 are currently pending in the application, with claims 1 and 4 being independent claims. No claims are cancelled or added, and claims 1 and 4 are amended, in accordance with the above amendments. Claims 2 and 3 are unamended and remain, therefore, in their original, as-filed condition.

#### **II. Summary of Rejections**

The following claim rejections were submitted by the Examiner in the outstanding Office Action:

- Claims 1, 2, and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,644,495 to Ruskin, et al.;
- Claims 1 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,498,965 to Matsumoto;
- Claims 2 and 3 are rejected under 35 U.S.C. §103 as being obvious over the combination of Ruskin and Matsumoto; and
- Claim 3 is rejected under 35 U.S.C. §103 as being obvious over Matsumoto.

#### **III. Applied Prior Art**

##### *Discussion of Ruskin*

Ruskin discloses a processing method for vending machine with substitute magazines. A memory device is utilized to (a) store the magazine location and price of goods in the magazine and (b) carry a sales transaction record of a replaced magazine. According to Ruskin, "After entering the password which allows opening of the vending machine, the sale data accumulated by the vending machine is downloaded 12 onto the service person's smart-card. The downloading of the data associated with the previously installed magazine, that is being replaced

and is to be returned to the processing location terminates the first half of the data processing associated with the magazine substitution. The machine, then, extracts 13 from the smart-card, the menu corresponding to the magazine that is about to be installed. The machine is now programmed to vend each item in the newly installed magazine upon a payment specified on the down-loaded menu" (Ruskin, column 3, lines 9-20).

#### *Discussion of Matsumoto*

Matsumoto discloses a system for controlling a vending machine. According to Matsumoto, the vending machine includes an input section 103 "for inputting the new control program 601, new data 602 used to execute the new control program 601 and a rewriting program 603 of the new control program 601 to the transfer control section 104. The specific configuration of this input section 103 is determined by a medium used to input the new control program 601, etc." (Matsumoto, column 4, lines 24-29). In other words, input section 103 is utilized to transfer a new control program, data, and a rewriting program from a memory medium to the vending machine. Once the new control program, data, and rewriting program are stored in the vending machine, the rewriting program is executed to rewrite the prior control program with the new control program.

#### **IV. The Claims Patentably Distinguish Over The Applied Prior Art**

##### *Discussion of Independent Claim 1*

Independent claim 1 recites a vending machine having a controller, a storage, and a central processing unit. The controller has an interface to which a portable recording medium is detachably mountable; and the storage has operation data stored therein. The central processing unit executes an operation data transfer program, which is stored in advance in the portable recording medium mounted to the interface and executed from the portable recording medium. Execution of the transfer program transfers the operation data from the storage to the portable recording medium or transfers the operation data from the portable recording medium to the storage.

Independent claim 1 is rejected as being anticipated by Ruskin, which discloses that data on the previously-installed magazine and the magazine to be installed are stored on the memory device. According to independent claim 1, however, the transfer program and operation data are

stored in the portable recording medium. In contrast with independent claim 1, therefore, Ruskin does not disclose the concept of storing a transfer program on a portable memory device.

Independent claim 1 is also rejected as being anticipated by Matsumoto, which discloses execution of a rewriting program that is stored in the vending machine. According to independent claim 1, however, the transfer program is executed from the portable recording medium. In contrast with independent claim 1, therefore, Matsumoto does not disclose the concept of executing a transfer program from a portable memory device.

Based upon the above discussion, the Applicants respectfully submit that independent claim 1 is allowable over each of Ruskin and Matsumoto. In addition, claims 2 and 3 should be allowable for at least the same reasons.

#### *Discussion of Independent Claim 4.*

Independent claim 4 recites a portable recording medium having recorded therein an operation data transfer program. A vending machine includes a controller having an interface to which a portable recording medium is detachably mountable, a storage having operation data stored therein, and a central processing unit. The operation data transfer program functions as means for transferring operation data from the storage to the portable recording medium or transferring the operation data from said portable recording medium to said storage. In addition, the operation data transfer program is executed from the portable recording medium.


Independent claim 4 is rejected as being anticipated by each of Ruskin and Matsumoto. In contrast with independent claim 4, Ruskin does not disclose the concept of storing a transfer program on a portable memory device. In contrast with independent claim 4, Matsumoto does not disclose the concept of executing a transfer program from a portable memory device. Accordingly, the Applicants respectfully submit that independent claim 4 is allowable over each of Ruskin and Matsumoto.

#### **IV. Conclusion**

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on April 18, 2005. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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Dated: April 18, 2005